



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MARCH 25, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0362

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained (Unfounded)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

The Complainant alleged that Named Employee #1 (NE#1) was unprofessional.

### **ADMINISTRATIVE NOTE:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

### **SUMMARY OF INVESTIGATION:**

The Complainant alleged that NE#1 "totally disrespected" him and threatened him with arrest because he did not have a Washington State driver license. OPA commenced this investigation.

NE#1's entire interaction with the Complainant—and investigation into the status of the Complainant's driver license—is captured on BWV. Accordingly, the facts in this case are not in credible dispute.

NE#1 responded to a call for service report of indecent exposure and public urination. The 911 caller reported that a "high/intox male and female" were in a "green Honda 4 door" and that the female "got naked and urinated in the street." NE#1 responded to the scene and observed a green Honda four-door and contacted the male Complainant and female community member he saw inside. The Complainant stated that they just arrived at the location and were parked at the location because their car was overheating, and they were letting it cool down.

NE#1 then contacted the 911 caller, who identified the Complainant and the female community member—who, at that point, had exited the vehicle and walked away—as the subjects of her call. After discussing the incident with the



911 caller, NE#1 informed the 911 caller that he could not take any enforcement action because he did not observe the female community member urinating in public.

NE#1 reapproached the vehicle, in which the Complainant was now sitting inside alone. NE#1 asked the Complainant if the car was running, which the Complainant denied. The Complainant stated he was waiting for the car to cool down. The Complainant then started the vehicle and quickly turned it off. The Complainant stated that, after the female community member returned, he would find some water to cool down his car, adding "I live in SeaTac." NE#1 then asked the Complainant if he had his driver license. The Complainant produced a Washington ID card and told NE#1 that he had a Florida driver license, which was not with him. When NE#1 asked why the Complainant did not have a Washington license, the Complainant responded that he did not live in Washington. As NE#1 then tried to explain driver license reciprocity, the Complainant interrupted a couple times at which point NE#1 stated "Are you going to continue cutting me off or are you going to listen to what I'm telling you?" NE#1 then explained that, "if you've been issued a driver's license in Florida, when you go to the Washington Department of Licensing, they don't issue an identification card, they issue you a driver's license." The Complainant insisted he had a driver license in Florida, but also could not provide his residential address in the Florida when asked by NE#1.

NE#1 then returned to his SPD vehicle where NE#1 entered the Complainant's information in his MDT system. NE#1 also completed an SPD business card for the Complainant. NE#1 returned to the Complainant and stated "So [Complainant], so I did not see you driving this motor vehicle, it's for that reason I'm not going to arrest you. So, call and find a licensed driver to operate this car for you, okay? If I do see you driving this vehicle after, I will arrest you. Do you have any questions for me?" The Complainant responding that he had a Florida driver license. NE#1 replied "you do not have a driver's license, find a licensed driver." NE#1 then walked away from the Complainant.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

##### ***5.001 - Standards and Duties 10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 "totally disrespected" him and threatened him with arrest because he did not have a Washington State driver license.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

NE#1's actions were both professional and logical. The 911 caller reported to NE#1 that the Complainant and female community member had engaged in suspicious activity—specifically, exiting a vehicle to urinate on a public street in broad daylight, then driving away and returning shortly thereafter. The Complainant was sitting in the driver seat of a vehicle, presumably his, that he claimed just needed to cool off before he returned home "in SeaTac." However, when asked for his driver license, the Complainant produced a non-driver Washington identification, while simultaneously claiming to have a driver license issued in Florida (which he could not produce) and contradicting himself by now



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claiming he did not live in Washington. Had NE#1 seen the Complainant driving, he would have had probable cause to arrest him. *See* RCW 46.20.005 (Driving without a license—Misdemeanor, when.); *see also* RCW 46.20.021(1) (“New Washington residents must obtain a valid Washington driver’s license within thirty days from the date they become residents.”). It was not disrespectful for NE#1 to inform the Complainant of this fact. Moreover, NE#1’s tone, while firm, was professional and appropriate to the situation. Nor did NE#1 use any profanity or language that is derogatory, contemptuous, or disrespectful.

According, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded (Expedited)**